

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>WILLIAM G. CARTER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 4:05CV01675 ERW</b>
	)	
<b>ALAN BLAKE,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon the application of William G. Carter for leave to commence this action without payment of the required filing fee [Doc. 2]. *See* 28 U.S.C. § 1915(a). Also before the Court is petitioner’s motion to supplement [Doc. 3]. Upon consideration of the financial information provided with the application, the Court finds that the applicant is financially unable to pay any portion of the filing fee. Therefore, the Court will grant petitioner leave to proceed in forma pauperis.

**The petition**

Petitioner, a person currently confined at the Missouri Sexual Offender Treatment Center (“MSOTC”) located in Farmington, Missouri, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests the following relief: “proper placement commitment under 552.030 RSMo and declare the 632.480 et seq. res judicata and collateral estoppel to the 552.030 judgment.” While not clearly stated, it appears that petitioner challenges his civil commitment to the MSOTC and the constitutionality of the Missouri Sexually Violent Predator Act (“SVPA”), Mo. Rev. Stat. §§ 632.480-513.

### Discussion

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court may dismiss a petition for writ of habeas corpus if it plainly appears that the petitioner is not entitled to relief.

A review of this Court's records indicates that petitioner has previously filed four petitions for writ of habeas corpus challenging his confinement at MSOTC, one of which is pending, *see Carter v. Blake*, 4:04-CV-624-FRB (E.D. Mo.). *See also Carter v. Swaim*, 4:03-CV-794-CDP (E.D. Mo. *dism'd as unexhausted* Aug. 29, 2003); *Carter v. Black*, 4:04-CV-272-TCM (E.D. Mo. *dism'd* May 7, 2004); and *Carter v. Blake*, 4:05-CV-855-AGF (E.D. Mo. *dism'd as duplicative* July 6, 2005).

In *Carter v. Blake*, 4:04-CV-624-FRB, now pending in this district, petitioner asserts claims that are essentially the same as those raised in the instant petition. Consequently, the instant petition should be dismissed as duplicative. *See Aziz v. Burrows*, 976 F.2d 1158 (8th Cir. 1992) (district court may dismiss duplicative complaints prior to service of process).

In accordance with the foregoing,

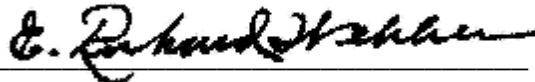
**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis [Doc. 2] be **GRANTED**. *See* 28 U.S.C. § 1915(a)(1).

**IT IS FURTHER ORDERED** that instant petition for writ of habeas corpus be **DENIED** as duplicative.

**IT IS FURTHER ORDERED** that petitioner's motion to supplement [Doc. 3] be **DENIED** as moot.

An appropriate order shall accompany this memorandum and order.

So Ordered this 31st Day of October, 2005.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

**E. RICHARD WEBBER**  
**UNITED STATES DISTRICT JUDGE**